

REMARKS:

In the foregoing amendments, claim 1 was amended and claim 2 was rewritten as an independent claim. The arrangements set forth in amended claim 1 are discussed on page 6, lines 4-18, and elsewhere in applicant's specification disclosure. Claims 1-5 remain in the application for consideration by the examiner at this time.

In the outstanding Office action, claim 2 was not rejected over prior art. The Official action objected to this claim as containing allowable subject matter, and stated that this claim would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. In the foregoing amendments, claim 2 was rewritten as an independent claim including all the limitations of original claim 1 from which it depended. For these reasons, a formal allowance of claim 2 is respectfully requested.

Claims 1 and 3-5 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. patent No. 6,460,332 of Maruta *et al.* (Maruta). The statement of this rejection is set forth on pages 2 and 3 of the Official action.

The Official action noted various structures in Maruta as corresponding to those of applicant's claims. Perhaps the most important structure noted in the Official action is the selection means 13 of Maruta. In Maruta, the selection circuit 13 comprises two check valves 14 and 15. As explained in

Maruta at Col. 2, lines 59-63, the selection circuit 13 simply selects oil pressurized to a higher degree to flow into the line 16.

In present claim 1, the selection means prioritizes based on a *plurality* of conditions, as opposed to only the *single* use of high pressure by Maruta. Applicant respectfully submits that the teachings of Maruta would not motivate one of ordinary skill in the art to a selection means that prioritizes based on a *plurality* of conditions, because there is simply no discussion in Maruta about this.

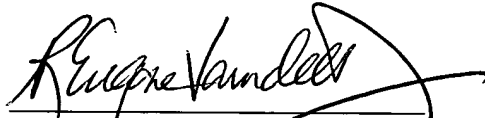
The rejection of claims 1 and 3-5 was made under subsection (e) of 35 U.S.C. § 102. It is respectfully noted that Maruta is not available as a reference under 35 U.S.C. §103, because it is assigned to the same assignee as the present application. This is stated in 35 U.S.C. §103(c). Accordingly, any change in the claims that removes the 35 U.S.C. § 102(e) basis of the rejection will patently distinguish the claimed invention from the teachings of Maruta. Due to the fact that there is no discussion in Maruta concerning selection means prioritizes based on a *plurality* of conditions, applicant respectfully submits that the invention set forth in present claim 1, as well as the claims which depend thereon, is patently distinguishable from the teachings of Maruta.

Based on the foregoing amendments and remarks, a formal allowance of claims 1-5 is respectfully requested. While it is believed that all the claims in

this application are in condition for allowance, should the examiner have any comments or questions, it is respectfully requested that the undersigned be telephoned at the below listed number to resolve any outstanding issues.

In the event this paper is not timely filed, applicant hereby petitions for an appropriate extension of time. The fee therefor, as well as any other fees which may become due, may be charged to our deposit account No. 22-0256.

Respectfully submitted,
VARNDELL & VARNDELL, PLLC

A handwritten signature in black ink, appearing to read "R. Eugene Varndell, Jr.", written over a horizontal line.

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